

Exhibit A

Volume: I

Pages: 1-201

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

* * * * *

MICHELLE C. THOMPSON,

Plaintiff,

vs.

DOCKET NO. 04-12301-RGS

BLOCKBUSTER, INC., and

JAY WELLS, Individually,

Defendants.

* * * * *

DEPOSITION OF MICHELLE C. THOMPSON

Bingham McCutchen

150 Federal Street

Boston, Massachusetts

9:51 a.m.

Thursday, August 25, 2005

Court Reporter: Mary C. Soldati CSR, RPR

1 APPEARANCES:

2 LAW OFFICES OF JAMES G. GILBERT

3 By James G. Gilbert, Esquire

4 15 Front Street

5 Salem, Massachusetts 01970

6 (978) 744-9800

7 On Behalf of the Plaintiff

8
9 BINGHAM McCUTCHEN

10 By Douglas T. Schwarz, Esquire

11 and Jenny Cooper, Esquire

12 150 Federal Street

13 Boston, Massachusetts

14 (617) 951-8000

15 On Behalf of the Defendant

16
17
18
19 ALSO PRESENT: Beth Neybert

20

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22

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24

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53:26 1 A. No.

12:53:29 2 Q. Did he ever say anything about whether he
12:53:33 3 thought you should have children?

12:53:34 4 A. No.

12:53:36 5 Q. Or not?

12:53:37 6 A. No.

12:53:41 7 Q. Did Jay ever say anything that indicated to
12:53:47 8 you that he had any bias against you because you
12:53:52 9 were a woman?

10 A. No.

12:53:57 11 Q. Did Jay ever say anything to you that
12:54:00 12 indicated that he had any bias against you for any
54:04 13 other reason?

12:54:05 14 A. No.

12:54:14 15 Q. Did he ever -- that is, Jay -- did Jay ever
12:54:22 16 do anything that indicated that he was biased
12:54:27 17 against you because of your gender?

12:54:34 18 A. Because of my gender, no.

12:54:36 19 Q. Did he ever do anything that indicated that
12:54:41 20 he was biased against you because you were pregnant?

12:54:42 21 A. Prior to my termination?

12:54:44 22 Q. Yes.

12:54:52 23 A. No.

12:55:06 24 Q. Did Jay ever say anything to anyone else

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:55:10 1 that indicated he was biased against anyone else

12:55:12 2 because of their gender?

12:55:14 3 MR. GILBERT: Objection.

12:55:17 4 Q. Let me rephrase that then. Did Jay ever say
12:55:21 5 anything that indicated a bias against anyone on the
12:55:26 6 basis of gender?

12:55:28 7 MR. GILBERT: Objection.

12:55:29 8 Q. You can answer.

12:55:32 9 A. No.

12:55:33 10 Q. Did Jay ever say anything that indicated a
12:55:41 11 bias against anyone on the basis of pregnancy?

12:55:44 12 MR. GILBERT: Objection. If I can just
55:48 13 say, you're saying -- if I could clarify, did she
12:55:52 14 know of Jay -- know of anyone -- do you know what
12:55:55 15 I'm saying? That's why I'm objecting.

12:55:58 16 MR. SCHWARZ: Fair enough.

12:56:00 17 Q. Did you ever hear -- did you ever hear Jay
12:56:05 18 say anything that indicated a bias against anyone
12:56:08 19 based on gender?

12:56:10 20 A. No.

12:56:11 21 Q. And did you ever hear from the anyone else
12:56:15 22 that Jay had said anything to anyone that indicated
12:56:18 23 a bias on the basis of gender?

12:56:22 24 A. No.

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56:22 1 Q. Did you ever hear Jay say anything that
12:56:26 2 indicated a bias against anyone on the basis of
12:56:30 3 pregnancy?

12:56:30 4 A. No.

12:56:31 5 Q. Did you ever hear from anyone else that Jay
12:56:35 6 had said anything that indicated a bias against
12:56:37 7 anyone on the basis of pregnancy?

12:56:39 8 A. No.

12:56:40 9 Q. Okay. Do you know when Jay was your
12:57:00 10 supervisor as regional manager, how many people he
12:57:06 11 supervised?

12:57:12 12 A. Specifically district leaders? Because he
57:17 13 technically was responsible for the entire region.

12:57:20 14 Q. So the entire region was --

12:57:22 15 A. I believe --

12:57:23 16 Q. I'm talking about, really, direct reports.

12:57:27 17 A. I believe it would have been the district
12:57:33 18 leaders and his support staff, so about 15.

12:57:37 19 Q. Okay.

12:57:42 20 MR. SCHWARZ: I think maybe now would be
12:57:44 21 a good time to take a lunch break.

12:57:48 22 (Lunch recess.)

13:52:51 23 Q. Ms. Thompson, are you aware of anyone else
13:52:58 24 other than yourself speaking to Diane Sirad

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:57:15 1 Q. Did you know of any of the other employees
13:57:17 2 that --

13:57:18 3 A. No. On the cases that I know of, yes.

13:57:21 4 Q. So any employee issues that you were aware
13:57:25 5 of that you and Beth Neybert worked on, you felt
13:57:28 6 that she had treated the employees fairly; is that
13:57:30 7 correct?

13:57:30 8 A. Yes.

13:57:32 9 Q. Did Beth ever say anything that indicated
13:57:39 10 bias against you because of your gender?

13:57:42 11 A. No.

13:57:43 12 Q. Did Beth ever do anything that indicated
57:46 13 bias against you because of your gender?

13:57:49 14 A. No.

13:57:49 15 Q. Did you Beth ever say anything that
13:57:53 16 indicated bias against you because of pregnancy?

13:57:56 17 A. No.

13:57:57 18 Q. Did Beth ever do anything that indicated
13:58:00 19 bias against you because of pregnancy?

13:58:01 20 A. No.

13:58:01 21 Q. Did you ever learn of anything that Beth
13:58:06 22 said that indicated bias against anyone because of
13:58:10 23 gender?

13:58:10 24 A. No.

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58:11 1 Q. Did you ever learn of anything that Beth
13:58:13 2 ever did that indicated bias against anyone because
13:58:16 3 of gender?

13:58:17 4 A. No.

13:58:19 5 Q. Did you ever learn of anything that Beth
13:58:21 6 said that indicated bias against anyone because of
13:58:24 7 pregnancy?

13:58:24 8 A. No.

13:58:25 9 Q. Did you ever learn of anything that Beth did
13:58:28 10 that indicated bias against anyone because of
13:58:31 11 pregnancy?

13:58:32 12 A. No.

58:33 13 Q. Okay. When did you first learn that you
13:58:46 14 were pregnant with your first child?

13:58:53 15 A. The last weekend -- well, no. I learned
13:59:03 16 early August.

13:59:08 17 Q. Early August of 2002?

13:59:11 18 A. Yes.

13:59:18 19 Q. How did you learn that?

13:59:21 20 A. Pregnancy test.

13:59:22 21 Q. And was it a home test or?

13:59:25 22 A. Yeah.

13:59:26 23 Q. So did you confirm it with a physician?

13:59:29 24 A. Yes.

Exhibit B

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
MICHELLE THOMPSON,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	NO. 04-12301-RGS
)	
BLOCKBUSTER INC. and JAY WELLS,)	
)	
Defendants.)	
_____)	

**DEFENDANT BLOCKBUSTER INC.'S SUPPLEMENT TO ANSWERS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant, Blockbuster Inc. ("Blockbuster"), hereby supplements its Answers to Plaintiff, Michelle Thompson's ("Thompson"), First Set of Interrogatories as follows:

General Objections

Blockbuster incorporates its General Objections set forth in its Answers to Plaintiff's First Set of Interrogatories as though fully set forth herein.

Without waiving and subject to the General Objections, Blockbuster supplements its Answers as follows:

Answers

Interrogatory No. 10.

Please identify all persons from whom Blockbuster, Inc., including any agent, attorney, or employee, sought or obtained information as part of an "investigation" conducted into the allegations referred to in the preceding interrogatory. For each such person please provide the following:

- (a) the name, title, current home address, and telephone number of the employee or agent of the defendant corporation who initiated the contact;
- (b) the contacted person's name, title, current home address, and telephone number;
- (c) the substance of any discussion or information provided by the person;
- (d) whether or not a written statement was provided by the person;

- (e) whether or not the information was obtained orally or in writing;
- (f) if orally, whether or not a recording of the conversation or discussion with each such person was made; and,
- (g) if orally, whether or not any notes were taken and by whom.

Answer:

Blockbuster incorporates its original objections and answer to Interrogatory No. 10 as though fully stated herein. In addition, Blockbuster states that Ms. Sirard informed Ms. Neybert that John Turano, who was a Store Manager in Training, spoke with Ms. Sirard about the fact the comments made by Ms. Thompson made him uncomfortable.

Blockbuster further states that it makes this supplement in response to queries from Ms. Thompson's counsel regarding details of Ms. Neybert's investigation. Blockbuster states that its initial Interrogatory response was complete and fully responded to the Interrogatory which requested identification of "all persons from whom Blockbuster, Inc., including any agent, attorney, or employee, sought or obtained information as part of an 'investigation.'"

As to objections,

BLOCKBUSTER INC.

By its attorneys,



Douglas T. Schwarz, BBO# 548558

Jenny K. Cooper, BBO# 646860

BINGHAM McCUTCHEN LLP

150 Federal Street

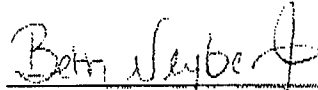
Boston, MA 02110

(617) 951-8000

Dated: May 16, 2006

VERIFICATION

COMES NOW Beth Neybert who, swears under the penalties of perjury that she is a duly designated and authorized agent of Blockbuster Inc. for the purpose of verifying Defendant Blockbuster Inc.'s Supplement to Answers to Plaintiff's First Set of Interrogatories, and that the foregoing responses are true to the best of her knowledge, information and belief.



Beth Neybert
Regional Human Resource Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May, 2006, I served a copy of the foregoing document via email and first-class mail upon plaintiff's counsel of record:

James G. Gilbert, Esq.
Law Offices of James G. Gilbert
15 Front Street
Salem, MA 01970


Jenny K. Cooper